



Pete Ricketts
Governor

STATE OF NEBRASKA
NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE
Darrell Fisher
Executive Director

**REGULAR MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
SEPTEMBER 21, 2016**

I. CALL TO ORDER

Chairman Matthew McCarthy called the monthly meeting of the Police Standards Advisory Council to order at 9:00 AM. A current copy of the Nebraska Open Meetings Act was on hand and available for reference. Notice of the meeting was published in the Lincoln Journal Star on Saturday, September 10, 2016. Roll call of members; Mr. Matthew McCarthy, Sheriff Jerry Watson, Sheriff Larry Koranda, Captain Genelle Moore, and Chief Tracy Wolf. Chief Timothy Larby and Lieutenant Colonel Thomas Schwarten were unable to attend.

II. APPROVAL OF AUGUST 17, 2016 P.S.A.C. MINUTES

MOTION

Captain Genelle Moore motioned to approve the minutes. Chief Tracy Wolf seconded the motion. Voting in favor of the motion; Mr. McCarthy, Sheriff Watson, Sheriff Koranda, Captain Moore, and Chief Wolf.

III. ACADEMY REPORTS

A. Director – N.L.E.T.C.

Mr. Muldoon reviewed the Director's report stating we had been given additional money to hold one additional Blue Courage Train-the-Trainer class and would be putting out email feelers to the associations as to who would be interested in sending a representative and then determining where best to have the training. This would be part of the whole immersion for the state, we have already had a project to train the academy for people in Blue Courage but Blue Courage and Department of Justice wants to go to full state immersions and no longer do the academy pilot. Kansas and Iowa are already in full immersion process and this would give us one additional opportunity for anybody with the police department that wants Blue Courage training

to send their person and have it covered under a grant. They will have to pay housing costs but the actual tuition costs will be covered by the grant.

We are also talking about a fifth day to that where it would be a master trainer program. We don't have any master trainers in Nebraska. A master trainer would be able to train other trainers in order to again perpetuate so anyone interested in becoming a master trainer or looking into the next step, that is going to be a possibility for a fifth day. Only Master trainers would attend that particular class.

Executive Director Fisher and I will be attending the League Conference tomorrow; they are having a police liability session in Kearney during their Fall Conference. The League has invited the law enforcement officials to come. It is generally attended by city clerks, mayors and city officials. Darrell, I, Chief Bliemeister, a representative from the Omaha Police Department and Captain Duis will be on a panel to talk about how we currently train.

B. Deputy Director of Training – N.L.E.T.C.

Ms. Urbanek reported this was the eighth week of the 194th Basic with 47 students. 4 students have still not completed all of the physical tasks. At the half way point we touch base to see how they are doing and see how they are progressing.

The 2nd session of the 2016 Reciprocity/Reactivation Course went live on July 11th and was completed Monday, September 19th. 10 students began the course and 7 finished. They still have some administrative things they need to submit before we will issue their Reciprocity Certification or Reactivation letter.

SFST Update scheduled for 9/14/2016 was cancelled due to low enrollment.

November 15, 2016 PRET testing will be conducted for the 195th Basic.

Academy inspections were conducted for the Lincoln Police Department and Nebraska State Patrol during the last month.

I and the Training Center staff assisted the Nebraska State Patrol with their physical testing during their current hiring process.

September 26, 2016 I will attend the first day of the Omaha Police Academy to observe how they conduct their physical entrance testing; this is the first time they will use their physical test.

The last six weeks I've taking a number of calls from a number of agencies in the metro area who are getting into the details of trying to run their own academy.

The instructional staff;

Randy Webb is currently attending De-escalation training in Minnesota. Following that, she will be attending driving training in Burns Flat, Oklahoma.

Jeremiah Harmon will be attending ALERT, in Savannah, Georgia next week.

Mr. Thome is in Illinois attending a Midwest Accident Investigation Conference.

Next week I will be attending the Nebraska State Patrol Domestic Violence Conference in Lincoln.

Mr. Kerby will be attending an Active Shooter Instructor Shooter Course in Omaha in October/November.

The Director's report listed several courses that have been conducted and held here at the Center.

At the October meeting I will be presenting the 2017 Curriculum for approval.

Discussed the PRET stating the only ones invited will be students with completed packets. If more than 50 are invited and pass the PRET, only 50 will be accepted but those who exceed the class limit will not have to retest for the next basic unless they score 35% or lower.

C. Nebraska State Patrol

Captain Buck Duis reported they hosted a Carrier Enforcement Bulk Package Training.

Concluded physical testing for Camp 58 and were in the background portion of the hiring process.

The State Fair occupied a great deal of the staff's time.

12 station training was held here as well as some Haz Mat in-service.

Sergeant Kavan returned to Troop C and his vacant position will be filled with Trooper Noah McNeese next week.

Dragon Software training and Carrier Enforcement Level 1 Training were conducted here.

Next week we will be hosting the Post Crash Investigation for Carrier Enforcement and we will also be hosting the two-week SWAT Training.

IV. CRIME COMMISSION REPORT

Executive Director Fisher stated the 2015 Crime in Nebraska Report had been published and was available on the Crime Commission Website. Crime is down in Nebraska; it has been going down for the last several years. There was a slight increase in the violent crime but overall crime is down, which compares to the national statistic.

There are rules and regulations coming up before the Crime Commission on October 14th, The Office of Violence Prevention Rules for how they dispense their funding is out and Title 79, Chapter 11, Firearms and Rifle Qualification, as well as, Title 79, Chapter 3, which is the Reciprocity on allowing Military Police to out process and remain in Nebraska.

There are 4 active Revocation Complaints; one is scheduled for dismissal by the Crime Commission in October another the Council has been worked and the Commission will hear it in October and the other two, one is brand new and has been forwarded to Bill for investigation and the other is set for Revocation hearing in November.

You recall last year Senator Pansing Brooks brought a measure before the legislature to add two members to the PSAC. It went to hearing; the Committee did not vote it out. The next thing we know, it's attached to another bill on the floor, so we had to hustle out and pull senators out on the floor to stop the measure. She contacted me this summer and contacted me a week ago and wants a meeting with the Fraternal Order of Police and this body to discuss this issue before she brings the order again this next year. We have been in contact with Dave, Bill and the Chair and that meeting is tentatively scheduled for October 24th or 25th. We provided our availability two weeks ago and we have heard nothing back so I asked Ann Bauers to recontact her office and say we contacted your office and notified you of our availability, let us know what you want. Mr. Chair, I have no opposition if any member of this board would like to attend. The issue that was put to me by a couple of the senators was, you guys are all ranking members of your department and none of your council members work the street, but that is not true. So if a couple of the member that still work the street were to attend, that would help. Let me know if you are able to attend in Lincoln on October 24th or 25th.

V. OLD BUSINESS

A. NLETC LEDS Inside Course Time Standardization Project

Ms. Urbanek stated in 2014 the Council suspended the time standard for the Inside Defensive Vehicle Operations Course for the purpose of developing a more realistic course. Since that time 271 basic students have trained on the proposed course with those runs recorded and an average drive time of 2:41 without hitting any cones. There are 462 cones in this course. To be more inclusive we took the time out one standard deviation coming up with a standard of 3:10 as a pass/fail for a basic recruit beginning with this basic class.

MOTION

Captain Moore motioned to accept the NLETC LEDS inside course time standardization of 3:10 as a pass/fail standard for every basic recruit at the NLETC. Sheriff Koranda seconded the motion. Sheriff Watson stated the motion should be specific to the entire course not just the qualification. I would be more comfortable in supporting the motion if we would amend the motion to include that. Captain Moore amended the motion to include the entire course. Sheriff Koranda seconded the motion. Voting in favor of the motion; Sheriff Watson, Sheriff Koranda, Captain Moore, Chief Wolf, and Mr. McCarthy.

VI. NEW BUSINESS

A. Extension/Waiver for Firearms Instructor Recertification Sergeant Loutzenhiser, Chadron Police Department

Mr. Muldoon stated the request for Sergeant Loutzenhiser was being requested due to a serious illness with his with the need to drive her to and from the medical appointments in Denver. It was also being requested due to a hardship on the agency as their agency was down six officers.

MOTION

Chief Tracy Wolf motioned to grant an extension due to an Extreme Hardship to Sergeant Loutzenhiser with the understanding that he enrolls for the next available class of 2017. Sheriff Koranda seconded the motion. Voting in favor of the motion; Sheriff Koranda, Captain Moore, Chief Wolf, Mr. McCarthy, and Sheriff Watson.

B. Waiver of NLETC Supervision In Lieu Of LPO Provided by IACP Sergeant Jarrod Wood, Lincoln Police Department

MOTION

Sheriff Koranda motioned to grant the waiver of NLETC Supervision in lieu of LPO provided by IACP for Sergeant Jarrod Wood of the Lincoln Police Department. Sheriff Watson seconded the motion. Voting in favor of the motion; Captain Moore, Chief Wolf, Mr. McCarthy, Sheriff Watson, and Sheriff Koranda.

C. Waiver of NLETC Supervision In Lieu Of LPO Provided by IACP Sergeant Derek Dittman, Lincoln Police Department

MOTION

Sheriff Watson motioned to grant the waiver of NLETC Supervision in lieu of LPO provided by IACP for Sergeant Derek Dittman of the Lincoln Police Department. Chief Wolf seconded the motion. Voting in favor of the motion; Mr. McCarthy, Sheriff Watson, Sheriff Koranda, Captain Moore, and Chief Wolf.

**D. Waiver of NLETC Supervision In Lieu Of LPO Provided by IACP
Sergeant Michelle Jochum, Lincoln Police Department**

MOTION

Sheriff Koranda motioned to grant the waiver of NLETC Supervision in lieu of LPO provided by IACP for Sergeant Michelle Jochum of the Lincoln Police Department. Sheriff Watson seconded the motion. Voting in favor of the motion; Sheriff Watson, Sheriff Koranda, Captain Moore, Chief Wolf, and Mr. McCarthy.

**E. Waiver of NLETC Supervision In Lieu Of LPO Provided by IACP
Sergeant Benjamin Seeman, Lincoln Police Department**

MOTION

Sheriff Koranda motioned to accept the waiver of NLETC Supervision in lieu of LPO provided by IACP for Sergeant Benjamin Seeman of the Lincoln Police Department. Sheriff Watson seconded the motion. Voting in favor of the motion; Sheriff Koranda, Captain Moore, Chief Wolf, Mr. McCarthy, and Sheriff Watson.

1 Sheriff Jerry Watson stated; before this hearing begins, I would like to notify Council that I'm going to
2 recuse myself from any part of the proceedings just based upon previous experiences.

3 **F. Appeal Hearing 16 - PSAC -72**

4 Timothy Holman, University of Nebraska Kearney Police Department

5 Chair: The matter now before the Police Standards Advisory Council is

6 Timothy Holman v. the Nebraska Law Enforcement Training Center, Case Number 16
7 PSAC 72.

8 I will now call this hearing to order and note the following Council members are present:

9 Myself, Matthew McCarthy – Northeast Community College, Sheriff Jerry Watson – Hall
10 County Sheriff's Office, Sheriff Larry Koranda – Cedar County Sheriff's Office, Captain
11 Genelle Moore - Lincoln Police Department, Chief Tracy Wolf – Lexington Police
12 Department. Chief Timothy Larby of the Atkinson Police Department and Lieutenant
13 Colonel Thomas Schwarten of the Nebraska State Patrol are not present.

14 The Council has been asked by the Petitioner, Timothy Holman to consider allowing or
15 otherwise reverse Director Muldoon's decision denying Mr. Holman admission to the
16 Nebraska Law Enforcement Training Center for law enforcement certification training.

17 The Council is here pursuant to its authority as stated in Nebraska Revised Statute §81-
18 1403 and its related statutes.

19 Mr. William Muldoon is presiding on behalf of the N.L.E.T.C. pursuant to his statutory
20 duties as stated in Nebraska Revised Statute §81-1404 and related statutes and will
21 present the reason he found no cause to grant relief to Mr. Holman in his admission into
22 basic training.

23 Does either party contest the Council's authority to hear this type of case?

24 Muldoon: No

25 Davis: We do not.

26 Chair: I will further note that the petitioner is or is not present and is or is not represented by
27 counsel?

28 Davis: He is present and he is not represented by counsel.

29 Chair: Pursuant to Title 79, Chapter 8, section 009.02, the burden during the appeal hearing is on
30 the applicant to demonstrate by clear and convincing evidence that he should be allowed
31 entrance into the Training Center.

32 Per Title 79, Chapter 13, section 004.02G, the issues of this appeal will be limited to those
33 raised in the request for review and reconsideration as provided in section 004.02C and
34 the director's written decision in response.

35 Chair: The decision of the Council is final.

36 Mr. Holman, I want to go over your rights in this Administrative Hearing.

37 You have a right to be heard, either in person or by counsel who you have hired at your
38 own expense.

39 You also have a right to notice; that is to receive a statement from the State, the Nebraska
40 Law Enforcement Training Center, detailing or justifying its actions in this matter.

41 Do you understand these rights?

42 Holman: Yes

43 Chair: Did you receive such notice via the letter from Mr. Muldoon stating his reason for your
44 denial to basic training?

45 Holman: Yes

46 Chair: Did you notice any defects in your letter that prejudiced you from presenting your case?

47 Holman: No

48 Chair: Additionally, you have a right to present written evidence at this hearing, a right to the
49 Council's findings and the right to seek judicial review thereafter.

50 Chair: Do you understand these rights?

51 Holman: Yes

52 Chair: The Police Standards Advisory Council shall act as the Hearing Board for this appeal.
53 Neither I, nor any other Council member, will be a witness for either side and I am not
54 aware of any matter which I believe may be grounds for challenge by either side against
55 me or the other members. I have not had any personal information conveyed to me nor
56 do I have any personal knowledge of the case.

57 Does any Council member have any personal knowledge of the case?

58 Sheriff Watson, who has already noted that he will recuse himself from any voting.

59 Chair: Sheriff Koranda

60 Koranda: No

61 Chair: Captain Moore

62 Moore: No

63 Chair: Chief Wolf

64 Wolf: No

65 Chair: Does either side have any further questions or challenge for cause against any member of
66 the Council?

67 Muldoon: No

68 Davis: No

69 Chair: Mr. Muldoon, do you have any procedural documents for this case and if so, please
70 present them to the Council.

71 Muldoon: I have the certification file, or the application file, for certification for Timothy Holman, I
72 would like it marked as an Exhibit.

73 Chair: We will accept Exhibit #1, the file for Mr. Homan.

74 Muldoon: I also have copies of letters I would like marked as an exhibit, I also have a copy I can
75 pass around to the members.

76 Chair: We'll accept into evidence Exhibit #2, which is a 7 page document, the denial of
77 application.

78 Any other exhibit's Mr. Muldoon?

79 Muldoon? No

80 Chair: Let the record reflect Exhibits 1 and 2 have been received and are entered into the record.
81 Does either side wish to address any further preliminary matters?

82 Muldoon: No

83 Davis: No, sir.

84 Chair: Mr. Holman, as the petitioner, you may make an opening statement at this time or you
85 may waive that statement.

86 Holman: I would waive.

87 Davis: I would like to thank the Board for hearing us today.

88 Chair: Sir, could I have you introduce yourself.

89 Davis: My name is James Davis; I am the Chief of Police at the University of Nebraska. At this
90 time you probably have noticed that on my left is Tim Holman, Police Officer from the
91 University of Nebraska at Kearney. We are prepared to show the Council that officer

92 Holman should be accepted into the Nebraska Law Enforcement Training Center. We'll
93 be introducing statements, recommendations from police officers, and officers of the
94 United States military on behalf of Officer Holman, will be giving testimony to the four
95 areas of denial given by Director Muldoon and are referred to the top page given by
96 Director Muldoon and are referred to top page that you were given as the initial denial of
97 application to basic recruit academy.

98 We are very anxious today to answer any questions today that members of the Council
99 may have. I would like you to, first of all, do I give testimony? Is that what we're doing
100 here?

101 Chair: At this stage, this is an opening statement, and then mostly Mr. Muldoon will have an
102 opening statement or have a chance for one and then we will accept into evidence any
103 evidence/written evidence you folks may have and then we'll open and then we'll do
104 written testimony.

105 Muldoon: This is a denial based on Administrative Code Title 79, Chapter 8, Section 005.02A1
106 which states that a person does not have a past indicative of incompetence or neglect of
107 duty. Also 005.02A2 does not have a past indicative of physical, mental or emotional
108 incapacity. 005.02A4 has not be adjudged or convicted of traffic violations with such
109 frequency as to indicate a disrespect for the traffic laws and a disregard for the safety of
110 others on the highways within the past three years and 005.02A5 can be characterized as
111 being honest, truthful and trustworthy.

112 Mr. Holman has an extensive traffic, criminal and civil court history with over 23 entries
113 between 1995 and 2009 under the name Timothy L. Holman and another 7 between 1997
114 and 2015 under the name Tim L. Holman. Though many of these traffic tickets are

115 outside of the three-year window for consideration and denial due to traffic alone, the
116 recentness of a 2015 conviction for speeding in Otoe County and a 2015 medical bill
117 judgment in Lancaster is evidence that he has not changed from earlier life experiences.

118 Chair: Now is the time that further evidence can be presented to the Council.
119 This may include written evidence, witness testimony and/or any unsworn statements by
120 yourself.

121 Mr. Holman, this would be the time to introduce any written evidence that you would
122 have.

123 Davis: We would like to introduce into evidence something that it is within this file however the
124 DD form, DD-214 Form indicates that he has associated with the United States Army,
125 I'm sorry, United States Military for roughly 25 years, as a veteran of the Iraq and the
126 Afghanistan Wars. He has been awarded the following decorations, which are listed on
127 here. Afghanistan Campaign Medal with Campaign Star, Armed Forces Reserve Medal
128 with "M" Device and 10 Year Bronze hourglass (2nd Award), Defense Meritorious
129 Service Medal, Army Commendation Medal, USN Achievement Medal, Joint
130 Meritorious Unit Award, Army Good Conduct Medal (2nd Award) Afghanistan Infantry
131 Badge, Non Article 5 NATO (ISAF) Medal, Army Reserve Components Achievement
132 Medal (2nd Award) At this time I would like to reenter this into, as evidence.
133 We would like to...

134 Chair: Hold on a second, let us get some administrative stuff done.
135 We are going to accept into Evidence Exhibit #3, which is a copy of DD-214.
136 Okay, proceed.

137 Davis: Okay, do you want me to go through and give you Exhibit's or can I give statements?

138 Chair: We'll take written statements first or any documents first and then we'll get on to the
139 testimony.

140 Davis: In reference in to not having a past indicative to physical, mental, or emotional,
141 incapacity, I want to offer the Exhibit, his TABE test score of 12.9, which is perfect and
142 his Associate of Applied Science from Southeast Community College, which he has
143 obtained this year, I'm sorry, in 2015.

144 Chair: Okay, we are going to accept into evidence Exhibit #4, which is a copy of the TABE Test
145 score and Exhibit #5 is accepted into evidence, which is a copy of the diploma for Mr.
146 Holman from Southeast.

147 Proceed sir.

148 Davis: Mr. Muldoon, I'm sorry, Director Muldoon has written that Mr. Holman has been subject
149 to seven reports of child abuse of neglect system 2006 to 2010. We would like to
150 introduce those Intake Worksheets as evidence and also the answers to those intake
151 worksheets and we would like to get to explain some of these later on if possible.

152 Chair: Absolutely. We'll accept into evidence Exhibit #6, which is the Child Abuse and Neglect
153 Intake Worksheets. Item 7 has been accepted into evidence; these are Mr. Holman's
154 Answers to the Intake Worksheet. Any other written evidence?

155 Davis: We do have letters of recommendations that I would like to enter into evidence.
156 Deputy Jason Duff, Jefferson County
157 Major Julia McConnel, Battalion Operations Officer-Department of the Army
158 James Ledden, Retired Nebraska State Patrol Trooper
159 Lieutenant Colonel Henry Korf, Commander United States Army Reserve
160 Ron Lawson, Employer - Art F/X Screenprinting

161 Daryl Shryock, Colonel United State Army Reserve
162 Eric Nordby, United States Army Reserve
163 Tim Schueth, Command Sergeant Major, United States Army
164 Christopher Richardson, United States Army Reserve
165 Thomas Spethman, Owner/Operator Signal 88 Security
166 Chair: We will accept those into evidence as one evidence number. We will accept Exhibit #8,
167 10 letters of recommendations, for Mr. Holman in Exhibit #8. Any other written
168 evidence, gentlemen?
169 Muldoon: No
170 Davis: No sir.
171 Chair: Mr. Holman, do you have any witnesses to testify on your behalf?
172 Holman: No
173 Chair: Mr. Holman, do you have any further statements at this time?
174 Holman: Tim Holman, University of Nebraska Police Department; The statements that I would
175 have is my past is not a pretty picture I do regret several items, but that is not who I am
176 currently. Nor is it somebody I will go back to. I've changed not only for myself but also
177 for, but also as a parent, I have to lead my children down the right way. I served 25 years
178 in the military, I've seen things done the wrong way, I've been that side and I've seen
179 things done the right way. I can't stand before you and tell any one of you that you need
180 to do it this way if I'm not going to do it that way.
181 Have you been to combat? I've seen things that aren't pleasant. I gained a lot of respect
182 for the things that others have done and tried to change my way of thinking and the way I
183 do things to be more in line with the way they've done it by their example. I am a cancer

184 survivor. That takes a toll and changes your thought process, keep running down this
185 path as fast as you can go and you are going to run into something. You need to step
186 back and look at things and make decisions based on what is in the best interest for
187 yourself, your family, your friends and your community and that is where I've come to. I
188 went back to school, got a degree. I made those changes and have hit walls during
189 making those changes and have been knocked back two steps but I get back up and I keep
190 moving forward and that is what has brought me here today.

191 McCarthy: Okay, thank you sir. Any other statements or witnesses on your behalf?

192 Holman: Chief

193 Davis: I would like to, again, like I told the Council, I would like to answer each of the four
194 sections that were lined out by Director Muldoon.

195 005.02A1 does not have a past indicative of incompetence or neglect of duty, Officer
196 Holman was very honest on his application, he states that he was let go by the
197 Department of Corrections, General Excavating, and Pfizer Animal Health by being late
198 too many times for work as Officer Holman has testified that was his old deal in the past.
199 I can tell you that at that time he had one car between the two of them, between he and his
200 wife, having trouble getting to work, sounds like a lot of excuses, but facts are facts, you
201 will have to remember that this took place between 1996 and 2006, since then, during our
202 background investigation we found that Officer Holman had been employed with Art F/X
203 Screenprinting during the past 9 years minus his military deployment.

204 005.05A2 does not have a past indicative of physical, mental, or emotional incapacity;
205 since he began work with us, he arrives at work 30 minutes to an hour early before work
206 and works out and has not been late to work. He meets the requirements of physical

207 strength set forward of the United States Army and of course we've entered into his
208 TABE test and also his college diploma.

209 Section 005.02A4 Title 79, Chapter 8 reads has not been adjudged or convicted of traffic
210 violations with such a frequency so as to indicate disrespect for traffic laws and a
211 disregard for the safety of others on the highways within the past three years. I wish to
212 direct your attention again to the initial denial of application where it was written that Mr.
213 Holman has extensive traffic and criminal and civil court history with over twenty-three
214 entries between 1995 and 2009 under the name Timothy L. Holman and another seven
215 between 1997 and 2015. This investigation into Officer Holman's past is extremely
216 thorough however it does; the traffic exceeds the maximum three years as stated in
217 sections, in this section of 005.02A4. As far as the civil, criminal court we haven't seen
218 anything on his criminal docket for eons. I wish I could tell you exactly when the last
219 time we saw any criminal but I can tell you in civil court he has one outstanding, you got
220 one outstanding, two medical's that are outstanding which he is making payments on.

221 This is my, our investigation revealed that a definite change between the end between or
222 around 2009 - 2011, Officer Holman was questioned about his younger behavior during
223 his interview after our background investigation and I wanted to know between what
224 happened in the past and why he acts the way he does now and I just, as he has told you,
225 he has realized that he can no longer act the way he was acting and had to become solely
226 responsible for himself, his children and his personal finances. Officer Holman admitted
227 the time spent in Iraq and Afghanistan had made him realize how precious life is and it
228 brings his life into shape.

005.02A5 can be characterized as being honest, truthful and trustworthiness, the original denial letter, seven reports of child abuse and neglect consistent from 2006 to 2010. Tim and I talked about this as we were going through the documents and Mr. Muldoon actually told me, look if these are wrong, you need to get them off and Tim was in the process of doing that, by the way. We look at these seven, the first one the alleged perpetrator is his ex-wife, Jennifer Holman. It simply states that Officer Holman was living in the household and married to the perpetrator at the time of the incident. This is incorrect. He was divorced from Jennifer Holman in 2004 and not living in the household, children were with Jennifer as she had physical custody. Officer Holman had just returned from deployment to Iraq in December of 05 and was living with his fiancé in her apartment at the time it happened. Austin, his son, was seeing a therapist for behavior and anger problems and at the time of the investigation report reads children staying with dad, no neglect currently.

The second intake has the alleged perpetrator, Jennifer Holman again, again he was divorced in 04, he was not living at home, they have him as living at home, as a matter of fact on the second intake if you read it all the way through it actually states that the police department contacts Officer Holman, hey come get your kids.

Third intake shows that Jennifer Holman is again the alleged perpetrator. Austin was living with Officer Holman at the time he is married, this is incorrect. Officer Holman was divorced from Jennifer again in 04 and not living in the house. Officer Holman had temporary custody of both Austin and Brianna while in custody proceedings. Officer Holman and his wife Michelle, his wife now, took Brianna to the doctor because they believed she had a Urinary Tract Infection and some bruises that looked like a hand print

252 on her leg, when she came back from her visit with Jennifer. We've all worked these
253 intakes. I can go out and make a phone call and say X person is beating on their ex and
254 boom an Intake is generated. We have to take a look at the intake itself.

255 Fourth Intake; This time it was reported by Officer Holman himself, this is when
256 Michelle and Austin had gotten into it and to me it says a lot about someone who will call
257 for help when they need it, they will actually pick up the phone, call Lincoln Police
258 Department, I need help, and this has happened two times when he needed it.

259 After the fifth Intake Michelle went into inpatient treatment for alcohol and she's been
260 alcohol free since 2009.

261 Sixth Intake was a medical report where Christian went through a window by accident
262 LPD responded to the hospital. LPD found out that there was nothing to report, luckily
263 Christian was, nothing happened.

264 Final Intake was from an unknown caller stating that the only reason that Officer Holman
265 wanted custody of the kids was because he didn't want to pay child support and Officer
266 Holman can't prove it but he believes it was Jennifer who was making the phone call on
267 that.

268 Council, I guess I'm gonna just have to wrap it up I don't want to just keep yammering
269 on. I'm not going to try to blind you and tell you that Tim is a perfect human being; none
270 of us are and I'm not even going to paint a gorgeous picture about Tim. But I am going
271 to tell you about a man that I have personally know for four years. He has lived life to a
272 point where he has to be able to talk, not to but with anyone, he has lived down that road
273 and come back and he would be that person that you would put on the street, talks to
274 somebody who is hurt, is down on their luck, needs help and Tim could go, yeah, I can

275 empathize with you. Yes, I did it, I don't know if I can understand, but I can sure
276 empathize, been there, done that. These are the kind of people that make really good
277 police officers. These are the kind of people who can come back and sit down with these
278 people and get information out of them. You know, Tim's a hard working man, a man
279 with direction and conviction, he's a veteran of not one but two foreign wars and the very
280 last three years I've worked part time as the assistant director of security at the Nebraska
281 football games and I supervise Tim. Tim was the supervisor of the outside security, not
282 LPD but the security itself, you see the guy with security on his back, he had eight people
283 under him, and at no time did I have to radio Tim and say get that person over here, get
284 this person over here, do this do this do this, he can do it, I've seen him do it.

285 To summarize, I've been in law enforcement for 33 years 3 of them here at the Training
286 Center, I've hired officers, I've fired officers, I've trained officers and I can tell you Tim
287 is ready; he's ready to be the most needed person and most unwanted person. He's ready
288 to be in the lonely car with no one to talk to except a radio. He's ready to write a report
289 when he's right, he's ready to write a report when he's wrong, he's ready to write a report
290 when he's not sure. Tim is ready for the most endless thankless job that needs to be done.
291 In my opinion Tim is ready to be a police officer. Thank you.

292 Chair: Thank you sir. Questions from the Council?

293 Wolf: Why the two different names? Why Timothy and then Tim?

294 Holman: As I got older I just, it was my given name, I was never comfortable in school with
295 Timothy, made fun of when they called me Timothy so I went by Tim all through school
296 and early in my military and I finally, after Afghanistan and cancer it's just who I am,
297 that's my skin, I'll wear it. So everything I do now is Timothy, my given legal name.

298 Moore: Could you talk about what happened in Hall County from beginning to end the
299 application etcetera.

300 Holman: Yes. I was afforded by Sheriff Watson the opportunity to come work for him; it was right
301 after I had been released from the military from my cancer treatment.

302 Moore: What year was that?

303 Holman: That would have been 2012. I got there, I went through all the testing, started the job in
304 October, I believe it was October first, first day of the month. Loved the job, loved the
305 department, loved the deputies that I worked with. I was on cloud nine. Filled out all of
306 my paperwork for the training academy to the best of my ability I went too Lincoln PD, I
307 went to LSO, I went to State Patrol, I went to the DMV and I pulled every record for
308 anything that I could so that I did not leave any gaps, I'm older than most officers starting
309 out so I had a lot more history than most officers starting out. I filled it out to the best of
310 my ability, it came back that they needed some additional information Captain Bahensky,
311 who is my patrol captain at the time brought me in we pulled up the information that I
312 needed to go over and had me write a statement as to why I had left it off, I wrote the
313 statement, submitted it, I don't recall how many days or how long it was between the time
314 that we submitted that and to the time that I was called into the Sheriff's office and
315 advised of what was going to, that I was going to be denied the training academy and that
316 I some options. Chief Deputy pulled me aside and kind of laid out what my options were.
317 Didn't tell me which option I needed to go. They gave me the weekend to decide what I
318 wanted to do and on Monday morning reported back to the Sheriff's office, it was at that
319 time that I had made the choice to resign from the department which would allow my
320 packet to the academy to be withdrawn. Thus avoiding that denial and giving me an

321 opportunity at a later date. The information that was missed on there was, and don't
322 quote me I have to go and look back at the transcriptions that I was given for that time,
323 but it was I believe 4 or 5 traffic citations from 96 to 97 or 95 to 97 again I would have to
324 look at those details that I didn't recall until they were brought up at the time. Any of the
325 records that I pulled did not go back that far. Again, this was in 2012, most records that I
326 could pull as far back was 10 years so anything beyond that, had to come from what I
327 could remember or put together. Again I submitted my resignation to Sheriff Watson and
328 he accepted with understanding that that would give me a chance to go and do what I've
329 been wanting to do and that's where that ended.

330 Koranda: You have stated that your first was with, Jennifer, is that correct?

331 Holman: Yes

332 Koranda: You were divorced in 04?

333 Holman: Correct

334 Koranda: How long did that marriage last?

335 Holman: It was thirteen years.

336 Koranda: Thirteen years.

337 Holman: That's right

338 Koranda: And then, when did you marry Michelle?

339 Holman: We got married in March of 2006.

340 Koranda: And you are currently

341 Holman: We're currently still married

342 Koranda: And she's the one that's been alcohol free since 09?

343 Holman: Correct.

344 Moore: So your hiring process includes what?

345 Davis: Our hiring process includes advertise and we have to follow our University hiring, we
346 have to have a committee from around the University my committee consists of someone
347 from athletics, someone from housing, someone from "psych" department the mental
348 health department, and once we know who pretty much, let's say we got two that we are
349 looking at then we bring the Sergeant in and do another interview with them.

350 Moore: Then you would do another interview with them?

351 Davis: We would do another interview.

352 Moore: So you don't do any psych or anything like that?

353 Davis: No the only psych that happens is when she's in there during the interview.

354 Chair: Mr. Holman, how old are your kids now?

355 Holman: My oldest is 21, my youngest is 9 and my daughter is 16.

356 Koranda: Does your oldest work?

357 Holman: He was just hired with the Department of Corrections, he started exactly on Monday.

358 Chair: And your 16 and 9 year old reside with you and your current wife?

359 Holman: Correct

360 Moore: They said you were terminated from Corrections because of lateness. Did you receive
361 discipline prior to that or was it just the lateness? Were there other things?

362 Holman: The only thing that was trained on for control stations for the pods was for running the
363 doors the Sergeants said one thing, corporals said another but yes, I was written up by the
364 Sergeants for that, for running the doors incorrect according to their standards, but we
365 were also trained to do what the floor corporals told us to do for their safety.

366 Moore: How long were you there?

367 Holman: Just during my probational period which was I think it was 9 months. I had come off
368 probation.

369 McCarthy: Which facility?

370 Holman: D and E

371 Koranda: And what year was that?

372 Holman: 96

373 Wolf: In this letter from Director Muldoon it says you had seven citations between 97 and 2015.
374 I count 17, is it, but you also have overlapping, you got Timothy L. Holman and Tim
375 Holman, so their overlapping names within this period, that's my question, is were you
376 running two licenses?

377 Holman: No, that's all I had, the one that's ever been issued to me.

378 Wolf: It says 2009 it was under Timothy but then it says from 97 to 2015 it was under Tim. It
379 would just seem to me that they would overlap a little bit.

380 The DUS's, could you tell me a little bit about them, could you tell me why you were
381 suspended? Was it because of points?

382 Holman: No, no, I had a DUS for failure to pay Child Support when I first got divorced, I had lost
383 my job with Pfizer, at a time before I could start paying back before I got my job then I
384 turned around and was deployed right away that same year and caught it back up so the
385 DUS was reinstated the other ones have been for failure to pay on time and failure to pay
386 because at that time, I thought it was more important to be at work and make money to be
387 able to pay the bills then to show up for court and lose my job and then I'm stuck, that
388 situation made sense. Would I do that same thing now? No. One I don't speed, I

389 changed that. My kids, my live with me, they drive like you, don't wear their seat, I wear
390 my seat belt, I never wore my seat belt before now, it's just the little things that
391 Moore: When did you decide you wanted to be a police officer?
392 Holman: I've always wanted to but my history kept me from even attempting it, you know. I knew
393 I got this traffic citation, I got these five this year, I'd get laughed out just filling out an
394 application and so I didn't, I never (Tape 2) we tried this and tried that we weren't
395 working as a family, me and my wife the way we're going about things, just not working
396 and she's not facilitating help with any kind of change so I made one of the hardest
397 decisions that I had to make was to divorce and break up my family. Which is a all new
398 ground for me. I've never had to make the hard decision and never held myself
399 accountable for things. But for whatever reason there went that decision making,
400 changed that got out of the marriage, I thought the best decision was for the kids to stay
401 with their mom in retrospect I wished I would have fought for them then, knowing what I
402 know now. But I made that decision; the divorce is what started it.
403 I got ready to go back to school through the military using my Montgomery GI Bill but
404 then be employed four months after my divorce was finalized came back and went to
405 school. Was married, got remarried March of that, March of 2006 and those changes still
406 kept coming and then I found out from my wife that we were going to have another baby.
407 That changed things even more so I stuck out the process with the change and me. Then
408 found out that she was an alcoholic, kids went everywhere with me, did not trust them to
409 be home with her. Pushed and pushed, had communications with her mom and dad, my
410 mom and dad everybody outside the house, friends helped, kids went to drill weekend
411 with me because she would have to go to meetings, she went to three month in treatment

412 so I was the sole parent in the household. That changes, well I had to cook it's just been a
413 steady progression, it was an ah ha moment to say this family circle is not working
414 something is broke, can't find what it is but somebody's got to step up and take charge
415 and it was at that point that my life started changing. Before I got married to my current
416 wife I went and paid off all the debt that we had. Minus a charge card that they kept
417 saying that we don't have, any recollection that you have a balance, it's still on the credit
418 report, but zero balance. Minus that, there's the two things that Director Muldoon has
419 alluded to. Those were not, they were bad situations, kind of like again, my wife went
420 into the hospital she does not work she went back to mine and I was working part time
421 and going to school full time. I brought home six hundred dollars, I'm not ashamed of it,
422 I brought home six hundred dollars for every two weeks, that don't pay the bills, it don't
423 make a nine hundred dollar house payment. It don't pay for anything else so where do
424 you cut that money? Unfortunately that's the one, that's the bill that's not a necessity to
425 put food on the table and put a roof over my kids, we did everything, we took care of
426 everything minus the medical bills, is it coming back to bite me in the butt? Absolutely,
427 but you know what, we're paying for it, we're paying it, and it will be taken care of. One
428 of them is already paid off. Now there's nine hundred and some dollars the other one is
429 nine thousand, that's for her in patient treatment. So that's the one, and she's being
430 garnished for it, it's on me because we're married, but she's being garnished for it. You
431 want me to put a finger on it, it was my divorce. When you listen to the Chief and when
432 he sees my paper, 2009, 2011 but that's where there's a line in black and white, where I
433 started changing and where it started changing inside of me, is the day of the divorce.

434 The day I started becoming responsible for myself and taking care of my children and
435 ultimately getting my children to where I am right now.
436 I hope that answered your question.

437 Chair: Do any Council members have any further questions for either one of the witnesses?

438 Moore: At any time during all of these traffic stops early on, did you have any alcohol issues?

439 Holman: No ma'am I am one, now there is no alcohol period in the house, just to come in, but I am
440 one if I have something to drink you are talking about once or twice a year. Alcohol is
441 not, it doesn't taste good to me, not saying I haven't had drinks, but it's not something I
442 do.

443 Chair: Any other questions?

444 (No response)

445 Okay, thank you gentlemen.

446 Mr. Holman, I'll give you a chance to make a closing statement in a second but do you
447 have any other testimonial evidence at this time?

448 Holman: No sir

449 Chairman: Mr. Muldoon, other than the evidence already submitted do you have any written
450 evidence?

451 Muldoon: I would like to introduce the investigative timeline and a couple email correspondences
452 specifically Chief Davis and myself after the appeal was received by Chief Davis.

453 Chairman: Exhibit #9 is accepted into evidence, this is the timeline for the appeal in Mr. Holman's
454 case and we'll distribute copies to the rest of the members.

455 Chair: Mr. Muldoon, do you have any written evidence for us to consider?

456 Do you have any witnesses to testify Mr. Muldoon?

457 Muldoon: No

458 Chair: Mr. Muldoon, do you have any further statements at this time?

459 Muldoon: Yes, I would like to cover the investigative timeline.

460 My basis and reasons for the denial according to the information precertification file he
461 was appointed a police officer for UNK on April 4, 2016. We received a change in status
462 and the rest of the application about a month later on May 13th. In the character affidavit
463 and strictly just taking it off of what he just disclosed, I counted 37 traffic and criminal
464 violations and criminal violations that he self disclosed and those are listed there for your
465 review the majority of them are speeding and improper registrations, no proof of
466 insurance, and DUS types of infractions. I would call to your attend on the 26th of
467 January 2006 both LPD and LSO cited him for speeding, if I read everything correctly.
468 This all resulted in seven periods of DL suspension December 96, April 97, December 97,
469 January 98, December 98, February 99, and June 2004.

470 My NCJIS search also found 23 entries under the name Timothy L. Holman and another 7
471 under the name Tim L. Holman. During this review I also saw the seven child
472 abuse/neglect worksheets notations with Mr. Holman identified as being the parent, five
473 of these are accepted, there is no explanation or acknowledgement in the character
474 affidavit at any place.

475 Under non-judicial punishment on page 11, he noted that he had received a non judicial
476 punishment three times for being late or missing formations.

477 A question prior to page twelve, have you ever filed for bankruptcy or had a credit card,
478 charge account, debt charged off or revoked, he answered, yes. Filed for bankruptcy in
479 October 06 and it was discharged January 7, 2001. It included a charge that was

480 discharged with the bankruptcy. In my NCJIS search I saw nine separate actions of credit
481 companies suing Mr. Holman, from 1999 up till 2015 with three entries dated in 2015 and
482 that is attached.

483 Page 12, question 8, Have you ever been terminated, suspended, disciplined or permitted
484 to resign? The answer is yes, I was terminated from Nebraska State Department of
485 Corrections for being late, General Excavating, Lincoln for being late too many
486 times/missing work; Hall County Sheriff's Office he resigned in lieu of termination in
487 order to protect his application to the academy from being denied. In looking at that and
488 it's all part of the file, his earlier application, his character application, his Character
489 Affidavit from 2012 he had only disclosed six traffic and criminal violations on that
490 character affidavit. I contacted the sheriff's office about the discrepancy between what I
491 was seeing and what he had self disclosed as I normal do just to see if there is something I
492 am missing and then I had got the change in status that he had resigned from that agency.
493 On June 8th I denied the application based on the four grounds already mentioned.

494 On the 29th of June an appeal was received. Chief Davis advised me that he had
495 contacted a child abuse reporting system and spoke to a lady who denied any reports
496 involving Mr. Holman and then he emailed back and that information is attached just
497 questioning again, it's my information what I'm seeing in NCJIS correct, if it's not, he
498 needs to contact somebody and get his name removed. We then received the statements
499 from Mr. Holman about the situation regarding the previous CPS contacts.

500 On the 19th of July I issued a letter that I didn't see any information that was new that
501 changed my mind. While Chief Davis does provide a great character reference and spoke
502 of changes he had seen in Mr. Holman, the arrest record just simply didn't **ferry it** out at

503 the time when I made my decision and then on July 25th the request from Chief Davis for
504 the hearing.

505 In conclusion, Mr. Holman has an extensive traffic and civil contact record and additional
506 reports that I just simply don't see on a normal average police applicant file. Seven child
507 abuse hotline contacts, 37 traffic and criminal citations, nine credit actions, terminated
508 from 3 jobs, three military non-judicial punishments, mostly for not showing up and
509 while military service is commendable I certainly recognize the dedicated service and the
510 special life it takes to have that I'm simply not seeing that that 25 years translates to law
511 enforcement today especially when you consider a lot of his conduct was occurring while
512 he was an active member in the military. It's the only way the math comes out is that this
513 was going on while in the military not really left the military then becoming somebody
514 different later and I don't see the transition now where this is different with the speeding
515 ticket in 2016 or 2015. I simply think another set of eyes looking at this is in order.

516 Chair: Thank you sir.

517 Mr. Holman, in light of Mr. Muldoon's evidence and testimony, do you have anything
518 additional to offer other than a closing argument and we'll get to that in a second.

519 Holman: No I don't.

520 Davis: Can I talk?

521 Chair: Okay, Is it a closing argument or in response to Mr. Muldoon?

522 Davis: In response.

523 Chair: Yes sir.

524 Davis: As I eluded in my statement to all of you, there is no question that Director Muldoon does
525 an outstanding job with the background checks. I would like you to however take into

526 consideration the dates of all this, yes, the traffic citation in 2015 I will agree, that does
527 not look good nor did my traffic citation in 2014 when I got it. It happens. But it was
528 one in 2014. Like we said before, we're not painting a pretty picture we're trying to show
529 you a man who has changed, a man who has gone through change. He talks about an "a
530 ha" moment, I see it on paper, on talking to people between 09 and 11, he tells me around
531 04 when he got divorced. I guess that's what we rest on is the change, his letter to dates
532 that are down here and I don't know whether the Council can answer a question, would
533 the 2012 application be allowed into consideration since it was pulled?

534 Stolz: All I can say is the Council can consider whatever the evidence is before them.

535 Davis: I would like you to consider that even though the application came in it was pulled by the
536 Sheriff's Office of Hall County in my understanding. So keep that in mind. Thank you.

537 Chair: Thank you Chief.

538 Chair: Mr. Holman, any closing statement at this?

539 Holman: The only thing that I would add is that my window, this whole process from the day I
540 walked in to start with Sheriff Watson at Hall County has lead me has lead me to where
541 we are right now. With that being said, I took this job, I was forthright in everything I put
542 down, the things I put down, the things that are in question, there's a lot of the
543 information here that you're looking at that is not part of what we, what my denial is for,
544 is outside the traffic stuff, is outside the window that we're, the guidance. Yes, it's here.
545 Yes, I did it. Yes, would I change it? Yes, absolutely. But with that being said, this isn't
546 the block we're looking at. We're looking at did I change, did that change? One ticket in
547 three years, pole your officers and deputies and ask them how many tickets they've
548 gotten. I understand it's for admittance but it's still to be police officer, it's still to, help

549 the community, I mean that's what we're here for, is to help out the community, that's
550 what I want to do. I want to have something I can look back at when I retire and I'm
551 sitting on the lake fishing or hunting and go, you know what, I remember when I helped
552 that 15 year old and now he's a congressman or I saved his life from drug use, whatever.
553 You know, it might be a 30 year old I saved, it might be a 68 year old, tomorrow, that's
554 what I want to do, that's why I've gone and I push and I push and I push and I get up
555 every time I'm knocked down I get up and I fight some more. I would think that with the
556 Character Affidavits, I didn't tell them what to write, I told them I need a character
557 reference from what you know of me. That was the guidance I gave them. I don't want
558 anything in there because that's what I wanted them to write, they wrote it based on what
559 they know of me. I want this opportunity really to have a chance for Director Muldoon to
560 meet me face to face, hear me speak, me to hear him and let this, me talking fill in the
561 gaps in between the black and white. So I guess that's what I had to have.

562 Chair: Thank you.

563 Mr. Muldoon, any closing arguments?

564 Muldoon: I'll waive closing.

565 Chair: Okay, any questions from the Council?

566 Moore: What were the options, you mentioned the options Hall County gave you, the Deputy...

567 Holman: Chief Deputy

568 Moore: Chief Deputy, what were those options.

569 Holman: The options were, you know, I could resign if I wanted to, which would pull back my
570 application or I could continue on with it and see where it would go if it would end in a
571 denial. If it did end in a denial, then I would have to be let go and then of course now

572 there would be the denial and with the way the system is you have one try if you are
573 denied, your denial stays and so I made the decision to resign and begin again somewhere
574 else. If I was lucky enough to get hired again and given that opportunity.

575 Koranda: From 2012 when you were let go from Hall County and then to the present time, what
576 were your occupations, what were you doing for the last four years.

577 Holman: When I was hired by Hall County I was working for Art FX Screen Printing Embroidery
578 in Lincoln, Nebraska the only other times I was gone from them for nine years was the
579 time I applied with Hall County and my two deployments one to Iraq and one to
580 Afghanistan otherwise I was working there part-time 38 to 35 hours per week and then
581 going to school full time.

582 Koranda: So from 2012 till the current day that's where you've been?

583 Holman: Correct

584 Chair: Any further questions from the Council?

585 (No Response)

586 Chair: Do we have a motion to go into Executive Session?

587 Moore: I would move that the Council go into Executive Session based on the prevention of
588 needless injury to the reputation of Mr. Holman and for the purposes of Executive
589 Session we will allow the following to remain; the Council, Mr. Stolz.

590 Koranda: I'll second that motion.

591 Fielding Mr. Matthew McCarthy

592 McCarthy Yes

593 Fielding Sheriff Larry Koranda

594 Koranda: Yes

595 Fielding Captain Genelle Moore
596 Moore: Yes
597 Fielding: Chief Tracy Wolf
598 Wolf: Yes
599 Closed Session began at 11:01 AM.
600 Koranda: I would like to make a motion to come out of Executive Session.
601 Moore: Second
602 Chair: It's been moved and seconded that we come out of Executive Session. Kay will you
603 please call the roll.
604 Fielding Mr. Matthew McCarthy
605 McCarthy Yes
606 Fielding Sheriff Larry Koranda
607 Koranda: Yes
608 Fielding Captain Genelle Moore
609 Moore: Yes
610 Fielding: Chief Tracy Wolf
611 Wolf: Yes
612 Fielding: Motion carried.
613 Chair: All parties present when the Council went into Executive Session are again present.
614 The time is 11:42 AM. Is there a motion
615 Moore: I would like to make a motion.
616 Based on the record before us today I would like to make a motion that the petitioner has
617 not met his burden to overturn the Director's denial.

618 Koranda: I'll second that.
619 Fielding Mr. Matthew McCarthy
620 McCarthy Yes
621 Fielding Sheriff Larry Koranda
622 Koranda: Yes
623 Fielding Captain Genelle Moore
624 Moore: Yes
625 Fielding: Chief Tracy Wolf
626 Wolf: Yes
627 Fielding: Motion carried.
628 Chair: Mr. Holman, as you have heard, the Council has Upheld the Director's decision and
629 denied your request for admission into basic training. This hearing is concluded.
630 The time is 11:44 AM.

G. Waiver of One-Year Basic Training Requirement
Deputy Cody Sellhorst, Deuel County Sheriff's Office

Mr. Stolz asked the Council on behalf of Ms. Urbanek if Deputy Sellhorst would be placed in the next basic or if he would be placed in a basic that had an opening. The argument being officers from other agencies seemed to be at a disadvantage.

Mr. Muldoon stated the 195th Basic class was full with reservations and overbooked so if this person by virtue of having a waiver jumps to the head of a line providing he is able to make the PRET and pass this time or does he fall below the 50 applicants because he has already had a chance and had a spot in the 194th basic but was unable to pass and went home.

All three of these agenda items (GHI) are people who had a spot had a chance, should have been in right now except for not being able to complete the PRET. One of them is actually injured and we will hear from him later this morning. But it is something to think about. We're trying to think about how we place them and what we tell them. If the class has 50 other people and he is 51, now he needs another waiver if we are saying that we are not going to slot him before February.

Sheriff Watson thought it should be tabled until he was able to get in.

Ms. Urbanek questioned if he was able to come in without the waiver.

Mr. Stolz stated that was a Chapter 8 requirement.

Chief Wolf stated Deuel County Sheriff's Office don't have 20 guys. This is a major part of their department. You talk about how many people in the next basic are duplicates, in my opinion Deputy Sellhorst has an opportunity to pass it on November 15th, if he doesn't, we don't have to discuss it.

Mr. Stolz stated he would need to have the waiver to be considered for the class because one of the requirements is the applicant will not have worked as a law enforcement officer for the current agency more than one year including the time required for certification training that is the admission standard so that's why the waiver has to be granted.

You could grant the waiver conditioned on two things you pass the PRET and you enroll and successfully complete the next basic and provided you don't work as a law enforcement officer once your anniversary date comes up.

Sheriff Koranda questioned if he was injured or how did he do on his testing.

Mr. Urbanek stated he was not injured, Mr. Sellhorst and the next one, Mr. Schmid, both told me they did not come in shape.

Members agreed to have the Deuel County Sheriff join the meeting.

MOTION

Sheriff Koranda made a motion to table this agenda item and go on to the next item until they can talk to Sheriff DeCosta from Deuel County Sheriff's Office who is currently on site. Captain Moore seconded the motion. Voting in favor of the motion; Sheriff Watson, sheriff Koranda, Captain Moore, Chief Wolf, Mr. McCarthy.

H. Waiver of One-Year Basic Training Requirement Officer Wacey J. Schmid, Kimball Police Department

Mr. Muldoon stated Officer Schmid was hired February 16, 2016 and would exceed his one year by about 5 weeks prior to obtaining basic training. He was enrolled in the 194th but did not pass the PRET.

MOTION

Sheriff Watson motioned to grant the waiver of the one year basic training requirement for Officer Wacey J. Schmid of the Kimball Police Department contingent upon the fact that successful completion of the PRET testing and the completion of getting his certification from the Nebraska Law Enforcement Training Center although during the time from his anniversary date until the time he receives that certification he shall not work in the official capacity as a law enforcement officer. Sheriff Koranda seconded the motion. Voting in favor of the motion; Sheriff Larry Koranda, Captain Genelle Moore, Chief Tracy Wolf, Mr. Matthew McCarthy, and Sheriff Jerry Watson.

G. Waiver of One-Year Basic Training Requirement Deputy Cody Sellhorst, Deuel County Sheriff's Office

Sheriff Scott DeCoste introduced himself to the Council and stated he was requesting a waiver for Deputy Sellhorst as he did not pass the PRET test for the 194th Basic Training. We talked about it in great lengths. Deputy Sellhorst does National Guard duty; when I got the phone call Monday at 10:30 on test date I pretty much knew what it was. He's 23 years old, had to shave three minutes off his mile and work on his pushups. He's been working on it and we're still working on hiring another deputy.

Captain Moore questioned why the agency waiting so long to get him into the class.

Sheriff DeCoste stated by the time they got all the paperwork in the March deadline had passed.

Captain Moore questioned if there would be any issue with him not being able to work once he got to his anniversary date if the waiver was granted.

Sheriff DeCoste stated there should not be a problem and he would be focused on the academy. He knows if he gets the waiver and doesn't make the November 15th PRET testing, he would be terminated.

MOTION

Sheriff Watson; I would make a motion to grant the waiver of one year Basic training requirement for Deputy Cody Sellhorst of Deuel County Sheriff's Office provided that he successfully passes the PRET Testing and also that he doesn't perform any duties of a law enforcement officer from his anniversary date until the day he's certified. Sheriff Koranda seconded the motion. Voting in favor of the motion; Sheriff Larry Koranda, Captain Genelle Moore, Chief Tracy Wolf, Mr. Matthew McCarthy, and Sheriff Jerry Watson.

I. Waiver of One-Year Basic Training Requirement Officer Dennis Roberts, McCook Police Department

Chief Isaac Brown and Dennis Roberts of the McCook Police Department addressed the Council. Chief Brown stated Officer Roberts was hired February 15th but our hiring process and documentation didn't allow us to put in for the March training. We applied for the July 31st class and he was accepted and prior to the class he was removing a tree and fell on his back and hurt it, which affected his ability to do the PRET. He was approved other than that. In our process he would then be five or six weeks after his one year anniversary before he graduated from the Training Center, when we have officers in training they are not allowed to be put on the road when they are in training so he would not be working alone. We are confident he has been working toward that physical test requirement in November so with that we would request the waiver.

MOTION

Sheriff Koranda motioned that we grant the waiver for Dennis Roberts of the McCook Police Department provided that he passes the PRET testing that is coming up and he also provides full medical clearance to the Training Center to participate in that training and that he also does not work as a full time officer past February 15th, 2017 without supervision. Consistent to what we've done, doesn't perform any duties of a law enforcement officer until he obtains certification. Sheriff Watson seconded the motion. Voting in favor of the motion; Captain Genelle Moore, Chief Tracy Wolf, Mr. Matthew McCarthy, Sheriff Jerry Watson, and Sheriff Koranda.

J. Lincoln Police Academy Inspection 2016

Ms. Urbanek recommended the Council approve the Lincoln Police Department's Training Academy for calendar year 2016 based upon the inspection she conducted on August 23, 2016. Narrative provided in packet.

MOTION

Sheriff Koranda motioned to approve the Lincoln Police Department's Academy inspection of 2016. Sheriff Watson seconded the motion. Voting in favor; Chief Tracy Wolf, Mr. Matthew McCarthy, Sheriff Jerry Watson, Sheriff Larry Koranda, and Captain Genelle Moore.

**K. Nebraska Law Enforcement Training Center
Academy Inspection 2016**

Mr. Muldoon recommended the Council approve the Nebraska Law Enforcement Training Center Academy Inspection for calendar year 2016 based upon the inspection conducted on August 17, 2016. Narrative provided in packet.

MOTION

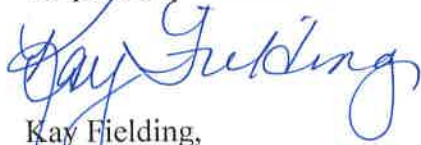
Captain Moore motioned to approve the recertification of the Nebraska Law Enforcement Training Center Academy for 2016. Chief Wolf seconded the motion. Voting in favor; Mr. Matthew McCarthy, Sheriff Jerry Watson, Sheriff Larry Koranda, Captain Genelle Moore, and Chief Tracy Wolf.

VII. OTHER BUSINESS

- A. Date, Time & Location of Next Meeting**
October 19, 2016 at 9:00; Library, Nebraska Law Enforcement Training Center,
3600 North Academy Road, Grand Island, Nebraska 68801

Hearing no further business the meeting adjourned at 12:28 PM

Respectfully submitted



Kay Fielding,
Secretary to the
Police Standards Advisory Council